

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 ANDREW S. KINDLE,
12 Plaintiff,
13 v.
14 VANDERLANDE INDUSTRIES, INC.,
15 Defendant.
16

Case No. 2:23-cv-09738-DOC-SHK

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

17
18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint,
19 Defendant Vanderlande Industries, Inc.’s (“Defendant”) Motion to Dismiss, or, In
20 The Alternative, for a More Definitive Statement (“MTD”), the relevant records on
21 file, and the Report and Recommendation of the United States Magistrate Judge.
22 No objections have been filed. The Court accepts the findings and
23 recommendation of the Magistrate Judge.

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS THEREFORE ORDERED that: (1) Defendant's MTD is GRANTED;
2 (2) the Complaint is DISMISSED without prejudice and with leave to amend as to
3 all claims, except Plaintiff's Occupational Safety and Health Act claim, which is
4 DISMISSED with prejudice; and (3) Plaintiff shall file a First Amended
5 Complaint within 21-days of the date of this Order.

6
7 Dated: July 8, 2024


HONORABLE DAVID O. CARTER
United States District Judge